

General Assembly

Substitute Bill No. 1215

January Session, 2007

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AN ACT IMPLEMENTING A PROCESS OF STATE-WIDE RESPONSIBLE GROWTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (Effective October 1, 2007) (a) There is established a
- 2 process for adoption, amendment, revision and implementation of a
- 3 state economic development plan. The Commissioner of Economic and
- 4 Community Development shall prepare the plan, in consultation with
- 5 the Secretary of the Office of Policy and Management, the Labor
- 6 Commissioner, the Connecticut Development Authority, Connecticut
- 7 Innovations, Incorporated, and regional councils of government and
- 8 regional planning agencies.
- 9 (b) In developing the plan, the Commissioner of Economic and Community Development shall:
- 11 (1) Evaluate economic development in the state, and shall include a
- 12 review of population, geography, workforce development and
- 13 employment, transportation access and resources, environment and
- 14 any other aspects of the economy of the state the commissioner deems
- 15 appropriate;
- 16 (2) Analyze economic and community development problems and
- opportunities in the state and include in such analysis (A) a review of
- other government sponsored or supported plans and applicable state

- 19 and local workforce investment strategies, and (B) identification of
- 20 past, present and projected future economic development investments
- 21 in the state:
- 22 (3) Define economic development problems of the state and 23 establish goals and objectives to solve such problems;
- 24 (4) Provide for community and private sector participation in 25 implementation of the plan;
- 26 (5) List all existing and proposed state projects and estimate the numbers of jobs created because of such projects;
- 28 (6) Identify and prioritize vital projects, programs and activities that 29 address the state's greatest needs or that best enhance the state's 30 competitiveness and identify sources of funding for past and potential 31 future investments;
- 32 (7) Identify economic clusters that are growing or declining within 33 the state;
 - (8) Propose a plan of action to implement the following goals: (A) The promotion of economic development and opportunity, (B) the fostering of effective transportation access, (C) enhancement and protection of the environment, (D) maximization of the effective development and use of the workforce consistent with applicable state or local workforce investment strategy, (E) promotion of the use of technology in economic development, including access to high-speed telecommunications, (F) the balance of resources through sound management of physical development, and (G) attainment and utilization of adequate funds and other resources; and
 - (9) List performance measures to evaluate successful development and implementation of the plan, including, but not limited to: (A) The number of jobs created after implementation of the plan, (B) the number and types of public and private investments undertaken in the state, (C) the number of jobs retained, (D) the amount of private sector

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- investment in the state after implementation of the plan, and (E) changes in the economic environment of the region.
- Sec. 2. (NEW) (Effective October 1, 2007) (a) The Commissioner of Economic and Community Development shall supervise the process for adopting, amending, revising and implementing the economic development plan. The commissioner shall present a draft of the plan for preliminary review to the joint standing committees of the General Assembly having cognizance of matters relating to planning and development, commerce, finance, revenue and bonding and appropriations and the budgets of state agencies not later than March 15, 2008, and every five years thereafter.
 - (b) The commissioner shall publish the draft of the plan and disseminate it to the public. The Secretary of the Office of Policy and Management shall post the plan on the Internet web site of the state.
 - (c) The commissioner shall submit a copy of the draft economic development plan to the Office of Policy and Management for a determination of consistency with the state plan of conservation and development and to the Commissioner of Transportation for a determination of consistency with the state master transportation plan.
 - (d) Not later than five months after publication of said plan, the commissioner shall hold public hearings, in cooperation with regional planning agencies, to solicit comments on said plan.
 - (e) The commissioner shall consider the comments received at the public hearings and shall make any necessary or desirable revisions to said plan. Not more than three months after completion of the public hearings, the commissioner shall submit the final plan to the General Assembly. The plan shall become effective upon adoption by the General Assembly as the economic development plan of the state. In the event that the General Assembly disapproves the plan in whole or in part, the plan shall be deemed to be rejected and shall be returned to the commissioner for appropriate action.

- Sec. 3. Section 16a-31 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):
- 82 (a) The following actions when undertaken by any state agency, 83 with state or federal funds, shall be consistent with the plan:
 - (1) The acquisition of real property when the acquisition costs are in excess of one hundred thousand dollars;
- 86 (2) The development or improvement of real property when the 87 development costs are in excess of one hundred thousand dollars;
 - (3) The acquisition of [public transportation] equipment or facilities when the acquisition costs are in excess of one hundred thousand dollars; and
 - (4) The authorization of each state grant <u>or loan or the allocation of any tax credit</u>, any application for which is not pending on July 1, 1991, for an amount in excess of one hundred thousand dollars. [, for the acquisition or development or improvement of real property or for the acquisition of public transportation equipment or facilities.]
 - (b) A state agency shall request, and the secretary shall provide, [an advisory] <u>a</u> statement commenting on the extent to which any of the actions specified in subsection (a) of this section conforms to the plan and any agency may request and the secretary shall provide such other advisory reports as the state agency deems advisable. <u>A state agency shall not implement an action unless the Secretary of the Office of Policy and Management determines that such action conforms with the plan.</u>
 - (c) The secretary shall submit and the State Bond Commission shall consider prior to the allocation of any bond funds for any of the actions specified in subsection (a) [an advisory] <u>a</u> statement commenting on the extent to which such action is in conformity with the plan of conservation and development. <u>The commission shall not approve an</u> allocation of bond funds unless the secretary determines that the

allocation conforms with the plan.

- (d) Notwithstanding subsection (b) of this section, The University of Connecticut shall request, and the secretary shall provide, an advisory statement commenting on the extent the projects included in the third phase of UConn 2000, as defined in subdivision (25) of section 10a-109c, conform to the plan and the university may request and the secretary shall provide such other advisory reports as the university deems advisable. Notwithstanding subsection (c) of this section, the secretary shall submit and the State Bond Commission shall consider prior to the approval of the master resolution or indenture for securities for the third phase of UConn 2000, pursuant to subsection (c) of section 10a-109g, the advisory statement prepared under this subsection.
- (e) Whenever a state agency is required by state or federal law to prepare a plan, it shall consider the state plan of conservation and development in the preparation of such plan. A draft of such plan shall be submitted to the secretary who shall provide for the preparer of the plan an advisory report commenting on the extent to which the proposed plan conforms to the state plan of conservation and development. The state agency shall not implement the plan unless the secretary determines that such plan conforms to the state plan of conservation and development.
- Sec. 4. Section 4-124d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):
 - The council shall consider such matters of a public nature common to two or more members of the council as it deems appropriate, including matters affecting the <u>air</u>, <u>land</u>, <u>water supply</u>, health, safety, welfare, education and economic conditions of the area comprised by its members. The council shall promote cooperative arrangements and coordinate action among its members and make recommendations therefor to the members and such other public agencies as exist or perform functions within the region or regions.

- 142 Sec. 5. (NEW) (Effective July 1, 2007) (a) Each regional council of 143 governments, organized under the provisions of section 4-124i to 4-144 124p, inclusive, of the general statutes may establish a process for 145 review of projects of regional significance. Such process shall establish 146 criteria and procedures for approving or rejecting such projects and for 147 their review. As used in this section, a project of regional significance 148 means a project subject to review by the State Traffic Commission 149 pursuant to section 14-311 of the general statutes.
 - (b) On or after the establishment of the process provided for in subsection (a) of this section, no project of regional significance may be implemented unless it is approved by the regional council of government for the area in which the project is located.
- Sec. 6. Section 8-35a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):
 - (a) At least once every ten years, each regional planning agency shall make a plan of development for its area of operation, showing its recommendations for the general use of the area including land use, housing, principal highways and freeways, bridges, airports, parks, playgrounds, recreational areas, schools, public institutions, public utilities, agriculture and such other matters as, in the opinion of the agency, will be beneficial to the area. Any regional plan so developed shall be based on studies of physical, social, economic and governmental conditions and trends and shall be designed to promote with the greatest efficiency and economy the coordinated development of its area of operation and the general welfare and prosperity of its people. Such plan may encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation. Such plan shall be designed to promote abatement of the pollution of the waters and air of the region. The plan shall include provisions for disaster response and regional purchase of interoperable equipment and communication devices for first responders. The regional plan shall identify areas where it is feasible and prudent (1) to have compact, transit accessible, pedestrian-

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175 oriented mixed use development patterns and land reuse, and (2) to promote such development patterns and land reuse and shall note any 176 177 inconsistencies with the following growth management principles: (A) 178 Redevelopment and revitalization of regional centers and areas of 179 mixed land uses with existing or planned physical infrastructure; (B) 180 expansion of housing opportunities and design choices 181 accommodate a variety of household types and needs; (C) 182 concentration of development around transportation nodes and along 183 transportation corridors to support viability the transportation options and land reuse; (D) conservation and 184 185 restoration of the natural environment, cultural and historical 186 resources and traditional rural lands; (E) protection of environmental 187 assets critical to public health and safety; and (F) integration of planning across all levels of government to address issues on a local, 188 regional and state-wide basis. The plan shall identify measurable 189 190 economies of scale for government functions, including, but not limited to, health districts, planning assistance and interoperable 191 geographic information system mapping of the region, compatible 192 193 with the state geographic information system. The plan of each region 194 contiguous to Long Island Sound shall be designed to reduce hypoxia, 195 pathogens, toxic contaminants and floatable debris in Long Island 196 Sound.

- (b) The regional planning agency shall prepare and include in the
 plan a comprehensive economic development strategy. In developing
 the strategy the agency shall:
- 200 (1) Evaluate economic development in the region, and shall include
 201 a review of population, geography, workforce development and
 202 employment, transportation access and resources, environment and
 203 any other aspects of the region's economy the commissioner deems
 204 appropriate;
 - (2) Analyze economic and community development problems and opportunities in the state, and include in such analysis (A) a review of other government sponsored or supported plans and applicable state

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208	and local workforce investment strategies, and (B) identification of		
209	past, present and projected future economic development investmen		
210	in the region;		
211	(3) Define economic development problems of the region and		
212	establish goals and objectives to solve the economic development of		
213	such problems;		
214	(4) Provide for community and private sector participation in		
215	implementation of the plan;		
	and the party		
216	(5) List all projects and estimated numbers of jobs to be created from		
217	such projects;		
210	(() Identify and migniting with angients are arranged activities that		
218	(6) Identify and prioritize vital projects, programs and activities that		
219	address the state's greatest needs or that best enhance the state's		
220	competitiveness and identify sources of funding for past and potential		
221	future investments;		
222	(7) Identify economic clusters that are growing or declining within		
223	the region;		
224	(8) Propose a plan of action to implement the following goals: (A)		
225	The promotion of economic development and opportunity, (B) the		
226	fostering of effective transportation access, (C) enhancement and		
227	protection of the environment, (D) maximization of the effective		
228	development and use of the workforce consistent with applicable state		
229	or local workforce investment strategy, (E) promotion of the use of		
230	technology in economic development, including access to high-speed		
231	telecommunications, (F) the balance of resources through sound		
232	management of physical development, and (G) attainment and		
233	utilization of adequate funds and other resources;		
234	(9) List performance measures to evaluate successful development		
235	and implementation of the plan, including, but not limited to, (A) the		
236	number of jobs created after implementation of the plan, (B) the		

number and types of public and private investments undertaken in the

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- 238 region, (C) the number of jobs retained, (D) the amount of private
- 239 sector investment in the region after implementation of the plan, and
- 240 (E) changes in the economic environment of the region; and
- (10) Outline the methodology for integrating the plan with regional
 economic priorities.

243 [(b)] (c) Before adopting the regional plan of development or any 244 part thereof or amendment thereto the agency shall hold at least one 245 public hearing thereon, notice of the time, place and subject of which 246 shall be given in writing to the chief executive officer and planning 247 commission, where one exists, of each member town, city or borough. 248 Notice of the time, place and subject of such hearing shall be published 249 once in a newspaper having a substantial circulation in the region. At 250 least sixty-five days before the public hearing the regional planning 251 agency shall post the plan on the Internet web site of the agency, if 252 any, and submit the plan to the Secretary of the Office of Policy and 253 Management for findings in the form of comments and 254 recommendations. Such findings shall include a review of the plan to 255 determine if the proposed regional plan of development [is not 256 inconsistent] conforms with the state plan of conservation and 257 development and the state comprehensive economic development 258 plan. Such notices shall be given not more than twenty days nor less 259 than ten days before such hearing. [The regional planning agency shall 260 note on the record any inconsistency with the state plan of 261 development and the reasons for such conservation and 262 inconsistency.] Adoption of the plan or part thereof or amendment 263 thereto shall be made by the affirmative vote of not less than a majority 264 of the representatives on the agency. The plan shall be posted on the Internet web site of the agency, if any, and a copy of the plan or of any 265 266 amendments thereto, signed by the chairman of the agency, shall be 267 transmitted to the chief executive officers, the town, city or borough 268 clerks, as the case may be, and to planning commissions, if any, in 269 member towns, cities or boroughs, and to the Secretary of the Office of 270 Policy and Management, or his designee. The regional planning 271 agency shall notify the Secretary of the Office of Policy and

- 272 Management of any inconsistency with the state plan of conservation 273 and development and the reasons therefor.
- [(c)] (d) The regional planning agency shall revise the plan of development not more than three years after July 1, 2005.
 - [(d)] (e) The regional planning agency shall assist municipalities within its region and state agencies and may assist other public and private agencies in developing and carrying out any regional plan or plans of such regional planning agency. The regional planning agency may provide administrative, management, technical or planning assistance to municipalities within its region and other public agencies under such terms as it may determine, provided, prior to entering into an agreement for assistance to any municipality or other public agency, the regional planning agency shall have adopted a policy governing such assistance. The regional planning agency may be compensated by the municipality or other public agency with which an agreement for assistance has been made for all or part of the cost of such assistance.
 - Sec. 7. (*Effective July 1, 2007*) (a) The Secretary of the Office of Policy and Management shall conduct a review of regional tax-based revenue sharing programs. Such review shall include, but need not be limited to, a study of any available models of such revenue sharing programs, the adaptations that may be needed in such programs for use in this state, the effect on property taxes and on a town's grand list, and other possible effects on both municipal and regional finances.
 - (b) Not later than January 15, 2008, said secretary shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to planning and development, and finance, revenue and bonding, with the results of the review undertaken pursuant to subsection (a) of this section, and with recommendations relating to the institution of such programs in this state.

- Sec. 8. (NEW) (Effective July 1, 2007) As used in sections 9 to 14, inclusive, of this act:
- 306 (1) "Board" or "board of directors" means the governing body of a regional assets district established pursuant to section 10 of this act;
- 308 (2) "Regional assets district" or "district" means any district established 309 pursuant to section 9 of this act;
- 310 (3) "Municipality" means a town, city or borough; and
- 311 (4) "Regional asset" means a civic, science, recreational, sports, arts, 312 transportation or cultural facility or project or a library which is part of a 313 multimunicipal system, but does not include schools or health care 314 facilities.
- 315 Sec. 9. (NEW) (Effective July 1, 2007) (a) Any regional council of 316 governments organized under the provisions of sections 4-124i to 4-124p, 317 inclusive, of the general statutes, whose member towns represent fifty 318 per cent or more of the population in its planning region may, by 319 concurrent ordinance of the legislative body of each municipality that is 320 a member of such regional council of governments, as the case may be, 321 establish a regional assets district. Any two or more regional councils of 322 governments or councils of elected officials may jointly establish a 323 regional assets district.
 - (b) Any municipality may withdraw from a district by adoption of an ordinance by its legislative body. Any such ordinance shall be effective six months after such adoption.
- Sec. 10. (NEW) (*Effective July 1, 2007*) (a) Each regional assets district established pursuant to section 9 of this act shall be a body corporate and politic. Any such district shall be a political subdivision of the state established and created for the performance of an essential public and government function.
- 332 (b) Each district shall continue in existence perpetually regardless of 333 any actions by a municipality except that the district may be terminated

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- pursuant to an intergovernmental cooperation agreement between the municipalities which transfers without impairment all of the administrative, managerial or financial functions exercised with respect to regional assets by the district to a municipality within the district.
 - (c) The district shall be governed by a board of directors, the composition of which shall be part of the initial concurrent ordinance authorizing the formation of the district. The members shall elect from among themselves a chairperson, vice-chairperson, secretary, treasurer and such other officers as they may determine. A member may hold more than one office of the board at any time. Members may serve successive terms as officers of the board.
 - (d) The board shall meet as frequently as it deems appropriate but at least once during each quarter of the fiscal year. A meeting of the board shall be called by the chairperson upon request to the chairperson by at least two members of the board. A majority of the members of the board shall constitute a quorum for the purpose of conducting the business of the board and for all other purposes, except that for the purposes of making decisions regarding personnel matters, contracts and capital and operating budgets, and deciding whether to enter into cooperation and support agreements with regional assets, an affirmative vote of sixty per cent of the members of the board shall be required.
 - Sec. 11. (NEW) (*Effective July 1, 2007*) (a) Each regional assets district established pursuant to section 9 of this act, shall have the following powers and duties and may exercise such powers in its own name:
- 358 (1) To make, enter into and award contracts with any person, 359 association, partnership or corporation for the development, design, 360 financing, construction, improvement, maintenance, operation, 361 furnishing, fixturing, equipping and repair of regional assets;
- 362 (2) To conduct financial and performance reviews and audits of regional assets;
 - (3) To conduct long-term planning necessary for the efficient and

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- 365 effective operation and development of regional assets;
- 366 (4) To make bylaws with respect to the exercise of its own powers;
- 367 (5) To make, enter into and award contracts of every name and nature 368 and to execute all instruments necessary or convenient for the carrying 369 out of its business;
- 370 (6) To accept grants and to enter into contracts, leases, subleases, 371 licenses or other transactions with any federal agency, state or political 372 subdivision, person, association, partnership or corporation;
- 373 (7) To procure insurance in such amounts and from such insurers as 374 the district may determine to be necessary or desirable for its purposes;
- 375 (8) To cooperate with any federal or state agency or political subdivision; and
- 377 (9) To invest any funds not required for immediate disbursement.
 - (b) The district shall not employ personnel directly engaged in the operation of regional assets, but may enter into contracts with municipal and other public and private organizations for the operation and financing of regional assets.
 - (c) The board of directors shall appoint an advisory board comprised of representatives of business, nonprofit organizations, civic, municipal and state leaders to assist the district in determining how best to spur economic growth using regional asset funds. Each member of the advisory board shall be appointed for a term of four years, except that of the initial appointments, one-half shall serve for a term of two years and one-half shall serve for a term of three years.
 - Sec. 12. (NEW) (*Effective July 1, 2007*) (a) Each district may negotiate and, by an affirmative vote of not less than sixty per cent of the board of directors, enter into cooperation and support agreements with owners and operators of regional assets which meet the eligibility criteria set forth in subsection (b) of this section.

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- (b) In order to qualify for funding from a regional assets district, in addition to any criteria established by the district, a regional asset shall serve a significant number of residents outside the municipality in which it is located, and receive funding from other public and private sources within the region. In determining whether a regional asset is eligible for funding, priority shall be given to regional assets located in a municipality which is a distressed municipality, as defined in section 32-9p of the general statutes, or a targeted investment community, as defined in section 32-222 of the general statutes, or which qualifies for urban action bond funds pursuant to section 4-66c of the general statutes.
- (c) The cooperation and support agreement executed with the owner and operator of each regional asset shall set forth a minimum level of financial support for the regional asset that shall be provided by the district in each of the first ten fiscal periods of the district, unless the regional asset ceases operations at the option of its owner and operator. The minimum level of financial support for a regional asset shall be not less than the financial support for the regional asset provided by the district during the first fiscal year of the agreement. If the minimum funding levels cannot be satisfied because of the lack of adequate resources, the minimum levels of funding for all regional assets shall be reduced by an equal fraction so as to ensure that total obligations do not exceed total revenues available to the district.
- (d) The board shall conduct public hearings and meetings regarding proposed cooperation and support agreements and any revisions to such agreements.
- Sec. 13. (NEW) (*Effective July 1, 2007*) (a) Each fiscal year the board shall adopt an operating and capital budget based upon all the cooperation and support agreements executed with the owners and operators of regional assets. The budget shall estimate the total revenues required for the operating and capital expenses of the district including revenues anticipated to fund such agreements.
 - (b) The board shall provide for an annual audit by an independent

- certified public accounting firm of the district's fiscal records and other records. A copy of such audit shall be sent to the Secretary of the Office of Policy and Management.
- (c) The fiscal year of any district established pursuant to sections 9 to 14, inclusive, of this act shall jointly be determined by the governing body of a district and the Commissioner of Revenue Services.
- (d) From the total amount of funds allocated to a regional assets district in any fiscal year, the board of said district may deduct and retain one per cent of the funds provided or thirty thousand dollars, whichever is greater, for reasonable administrative costs.
 - Sec. 14. (NEW) (Effective July 1, 2007) Any municipality participating in any district may (1) make grants from current revenues to the district and to assist in defraying the costs of managing, operating, maintaining, financing and servicing the debt of regional assets or parts of regional assets, (2) enter into long-term agreements providing for payment of the costs, and (3) enter into long-term leases or subleases as lessee or sublessee of all or part of a regional asset. Obligations of the municipality to make grants or lease or sublease payments to the district shall not constitute debts of the municipality and shall be payable only to the extent that current revenues of the municipality are available. Any such municipality may issue general obligation bonds for the purpose of obtaining funds for the acquisition or improvement of regional assets or parts of regional assets.
 - Sec. 15. (Effective from passage) (a) There is established a Tax Expenditure Review Committee which shall be comprised of the following members: (1) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to planning and development and finance, revenue and bonding, or their designees; (2) one member appointed by each of the following: The Governor, the president pro tempore of the Senate, the speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the

- 458 minority leader of the House of Representatives and the minority
- leader of the Senate; and (3) the Commissioners of Revenue Services,
- 460 Economic and Community Development, Transportation and the
- Secretary of the Office of Policy and Management, or their designees.
- (b) The task force shall review existing state tax expenditures and spending and evaluate priorities for such expenditures and spending. Such evaluation shall rank priorities for tax expenditures and spending and shall include a recommendation on the priority of better land use and improved municipal services.
 - (c) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force, from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.
 - (d) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to planning and development shall serve as administrative staff of the task force.
 - (e) Not later than January 1, 2009, the task force shall submit a report on its findings and recommendations to the joint standing committees of the General Assembly having cognizance of matters relating to planning and development and finance, revenue and bonding, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 1, 2009, whichever is later.
 - Sec. 16. (NEW) (*Effective July 1, 2007*) The Commissioner of Revenue Services shall develop and disseminate a program to inform the public about applicability of use taxes imposed under the provisions of chapter 219 of the general statutes to purchases made on the Internet. Such program shall include, but not be limited to, information on the amount of the tax and methods of payment.

This act shall take effect as follows and shall amend the following			
sections:			
Section 1	October 1, 2007	New section	
Sec. 2	October 1, 2007	New section	
Sec. 3	July 1, 2007	16a-31	
Sec. 4	July 1, 2007	4-124d	
Sec. 5	July 1, 2007	New section	
Sec. 6	July 1, 2007	8-35a	
Sec. 7	July 1, 2007	New section	
Sec. 8	July 1, 2007	New section	
Sec. 9	July 1, 2007	New section	
Sec. 10	July 1, 2007	New section	
Sec. 11	July 1, 2007	New section	
Sec. 12	July 1, 2007	New section	
Sec. 13	July 1, 2007	New section	
Sec. 14	July 1, 2007	New section	
Sec. 15	from passage	New section	
Sec. 16	July 1, 2007	New section	

PD Joint Favorable Subst. C/R FIN

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